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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,729	02/23/2004	Diegane Dione	DSI-020US	9460
51242	7590	05/02/2008		
ANDREW L. NEY 4 ANDORRA HILL LAFAYETTE HILL, PA 19444			EXAMINER PLUCINSKI, JAMISUE A	
			ART UNIT	PAPER NUMBER
			3629	
			MAIL DATE	DELIVERY MODE
			05/02/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/784,729	<b>Applicant(s)</b> DIONE, DIEGANE	
	<b>Examiner</b> JAMISUE A. PLUCINSKI	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20070103, 20050609, 20040412</u> .                            | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Hunter et al. (US 2003/0069002).
2. With respect to Claim 1: Hunter discloses the use of a method of occupants of a physical area during an emergency event (see abstract), the method comprising:
  - a. identifying the emergency event (Paragraph 0052); and
  - b. activating a response plan based on the identified emergency event (the examiner considers the contacting scheme of Hunter to be the response plan, as well as the exit strategies, Paragraphs 0052, 0122, 0131 and 0132),
  - c. wherein the activating step includes: initiating at least one response operation for the response plan (Paragraph 0036); selecting an occupant of the physical area based on a location of the emergency event (Paragraphs 0052, 0053 and 0131); and providing instructions to the occupant based on the emergency event (Paragraphs 0122, 0131 and 0133).
3. With respect to Claim 2: Hunter discloses defining the response plan (Paragraph 0019).
4. With respect to Claim 3: Hunter discloses the activating step further includes: obtaining a response from the occupant and initiating at least one additional response operation based on the response (Paragraphs 0054-0056).

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5. With respect to Claim 4: Hunter discloses defining a hierarchical representation for the physical area; and associating the occupant with at least one area node in the hierarchical representation, wherein the occupant is selected based on the emergency event and the at least one associated area node (Paragraphs 0052, 0053 and 0131).

6. With respect to Claim 5: Hunter discloses obtaining user information for a user; obtaining location information for a location for the user; and associating the user information with an area node that corresponds to the location information (Paragraphs 0024 and 0056).

7. With respect to Claim 6: Hunter discloses comparing the location information with at least one existing area node; and creating a new area node when the at least one existing area node does not match the location information (Hunter discloses updating the node information, Paragraph 0052-0054, it should also be pointed out that this limitation is a conditional limitation, that if the location matches with an area node, then a new node is not created, this step only happens if and when there is no match, therefore if there is already a match this step is not required for the claim to be anticipated).

8. With respect to Claim 7: See Hunter, Paragraph 0052-0054.

9. With respect to Claim 8: See Hunter, Paragraph 0056.

10. With respect to Claim 9: See Hunter, Paragraph 0119.

11. With respect to Claims 10 and 16: Hunter discloses a system for evacuating an occupant of a physical area during an emergency event (see abstract) and a computer program product code which causes the system to perform the steps, the system comprising:

d. Means for identifying the emergency event (Paragraph 0052);

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- e. means for automatically informing the occupant of the emergency event (Paragraph 0122);
  - f. means for obtaining a location of the occupant (Paragraph 0056);
  - g. means for obtaining an evacuation status of the occupant (Paragraph 0078); and
  - h. means for providing instructions to the occupant based on at least one of the emergency event, the location, and the evacuation status (Paragraphs 0047, 0049 and 0076).
12. With respect to Claim 11: Hunter discloses a means for communicating between the occupant and a responder (Paragraph 0036).
13. With respect to Claim 12: Hunter discloses means for providing instructions to a responder based on at least one of the emergency event, the location, and the evacuation status of the occupant (Paragraph 0078).
14. With respect to Claim 13: See Hunter, Paragraph 0019, 0052, 0122, 0131 and 0132.
15. With respect to Claims 14 and 15: See Hunter, Paragraphs 0054-0056.
16. With respect to Claim 17: See Hunter Paragraphs 0052, 0122, 0131 and 0132.
17. With respect to Claim 18: See Hunter, Paragraphs 0054-0056.
18. With respect to Claim 19: See Hunter, Paragraph 0078.
19. With respect to Claim 20: See Hunter, Paragraphs 0052, 0053 and 0131
20. With respect to Claim 21: See Hunter, Paragraphs 0024 and 0052.

***Conclusion***

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Carroll (4,023,146) discloses the use of evacuation plans for high rise buildings, Meyers et al. (6,754,674) discloses the use of an incident crisis response plan, Orr et al. (5,815,417) discloses the use of data collection for emergency incidents, Davis et al. (6,348,860) discloses the use of emergency evacuation reporting and Yamazaki et al. (US 2006/0128356) discloses the use of handheld wireless devices used in emergency situations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMISUE A. PLUCINSKI whose telephone number is (571)272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jamisue A. Plucinski/  
Primary Examiner, Art Unit 3629